



Unpacking Electoral Corruption

TOWARDS A CLEAR UNDERSTANDING OF WHAT
ELECTORAL CORRUPTION IS AND ITS COMMON FORMS

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1. INTRODUCTION

Despite its common usage, the phrase electoral corruption is defined differently by different authors. As a result, widely varying definitions exist. The Wikipedia (2022) uses terms such as electoral fraud, election manipulation, voter fraud, voter suppression or vote rigging.² Birch (2011:2) calls it electoral malpractice, electoral misconduct, electoral malfeasance, electoral fraud and electoral manipulation.³ The Ballotpedia (2022) uses the term electoral fraud.⁴ Polyas (2022) calls it voter fraud, electoral fraud or vote rigging⁵ whilst the Thomson Reuters (2022) prefers to label it voter fraud⁶ and electoral fraud^{7, 8}

As alluded to above, these terms stir confusion and hence this review discusses a larger number of historical works that discuss electoral corruption. Its conclusions are threefold. First, it gives a wide range of definitions given by different authors. Second, it differentiates electoral corruption from a panoply of its common forms that are often confused as defining electoral corruption. Third, it offers a new or refined definition of electoral corruption to facilitate further dialogue on the same.

2. WHAT IS ELECTORAL CORRUPTION?

According to a definition provided by Ward (1949) in his paper on 'Electoral Corruption and Controverted Elections' the term electoral corruption refers to "...the giving and receiving of bribes whether money, employment, or anything else, the real or threatened use of violence, treating, personation and in some cases payment for the hauling of voters

² Wikipedia Foundation, Inc (2022) Electoral fraud. [online]. Available at https://en.wikipedia.org/wiki/Electoral_fraud [Accessed on 7 February 2022]

³Birch, S (2011). Institute for Democracy & Conflict Resolution – Briefing Paper (IDCR-BP-05/11). [online] Available at http://repository.essex.ac.uk/4484/1/05_11.pdf [Accessed on 4 July 2019]

⁴ Ballotpedia (2022) Electoral Fraud. [online] Available at https://ballotpedia.org/Electoral_fraud [Accessed on 7 February 2022]

⁵ Polyas (2022) Electoral Fraud. [online] Available at <https://www.polyas.com/election-glossary/election-fraud> [Accessed on 7 February 2022]

⁶ "Voter fraud" is the illegal behavior of individual voters, such as:

- ✓ Duplicate voting: when someone impersonates another voter to vote twice
- ✓ Vote selling: when a voter offers to vote a certain way for pay
- ✓ A non-citizen voting in an election when they do not have a right to vote
- ✓ A felon voting in an election before they have a right to do so
- ✓ Voting in a district where the voter does not (or no longer) lives

⁷ "Electoral fraud" or "election fraud" is illegal interference with the process of an election. Examples of electoral fraud can include:

- ✓ Campaign or agency workers throwing away voter registration cards
- ✓ Vote buying: when a campaign offers money for votes
- ✓ Workers or volunteers forging signatures on a petition to get an issue or person on a ballot
- ✓ Ballot harvesting: when a person or agency or campaign workers collect absentee or mail-in ballots to submit them (which provides an opportunity to change the vote or fail to submit the ballot for counting)
- ✓ Robocall campaigns spreading misinformation about election dates, polling locations, or other election-related information in order to prevent some voters from voting
- ✓ Illegal activity related to the counting and certification of election results, such as claims that some voting machines are changing votes
- ✓ Violations of campaign finance laws (failing to report campaign donations or sources as required by law, or donating more than is allowed)

⁸ Thomson Reuters (2022) What Is Electoral and Voter Fraud? [online] Available at <https://www.findlaw.com/voting/how-u-s--elections-work/what-is-electoral-and-voter-fraud-.html> [Accessed on 7 February 2022]

to the polls.”⁹ This definition takes the extensional route approach which defines electoral corruption by listing everything that falls under that definition such as bribing, use of violence and personation.

For Birch (2011:2) electoral corruption means the manipulation of rules; voters and the voting process. The manipulation of the rules anticipated to mean the development of electoral laws and policies that creates an uneven playing field to benefit one party over another.¹⁰ The manipulation of voters calculated to entail preference-formation and expression in which the voters are manipulated to favour a certain political party against another.¹¹ Finally, the manipulation of the voting process is perpetrated by electoral management bodies that are biased towards certain parties in the electoral race.¹²

The Ballotpedia (2022) defines electoral fraud as the “...illegal interference with the process of an election. Electoral fraud take different forms such as the in-person voter fraud, fraudulent activity involving absentee or mail ballots, and voter suppression which occurs at different points of the election process, from registration to the tallying of ballots.”¹³

Furthermore, Polyas (2022) defines voter fraud, electoral fraud or vote rigging as the “..intentional, illegal actions aimed at changing or influencing or forcing the results of an election - by either depressing or increasing the vote share for a particular candidate or choice.”¹⁴ The types of election fraud as given by Polyas (2022) include intimidation,¹⁵ vote buying,¹⁶ voter Impersonation,¹⁷ misuse of proxy voting, ¹⁸ leading ballot papers (or

⁹Ward, N. (1949). Electoral Corruption and Controverted Elections. The Canadian Journal of Economics and Political Science / Revue Canadienne D'Economique Et De Science Politique, 15(1), 74-86. doi:10.2307/137956

¹⁰Birch, S (2011) Electoral Corruption. [online] Available at <http://repository.essex.ac.uk> [Accessed on 7 February 2022] p-2

¹¹ Ibid

¹²Ibid, p-2

¹³ Ballotpedia (2022) Electoral Fraud. [online] Available at https://ballotpedia.org/Electoral_fraud [Accessed on 7 February 2022]

¹⁴ Polyas (2022) Electoral Fraud. [online] Available at <https://www.polyas.com/election-glossary/election-fraud> [Accessed on 7 February 2022]

¹⁵ Where people have pressure placed on them to vote for a particular candidate or option. This pressure can take the form of violence or the threat of violence to force individuals or communities to vote for a particular candidate, or not vote at all. Intimidation can also take the form of persuading voters that they are or may not be eligible to vote, or that they are legally obliged to vote for a particular candidate.

¹⁶ Voters are compensated with cash or other benefits for voting for a particular candidate or choice. In the recent Somalian Presidential Elections, voters were forbidden to take any cameras or camera phones into the polling place, ensuring that they could not prove to vote buyers that they had voted for a particular candidate.

¹⁷ Voters are, without consent, impersonated by fraudsters who use their credentials to vote for a particular candidate.

¹⁸ Differs to voter impersonation in that it is done with the voter's knowledge.

confusing ballot papers),¹⁹ ballot stuffing,²⁰ miscounting or destruction of votes & tampering with recording equipment²¹ and artificial results²²

Thomson Reuters (2022) defines "electoral fraud" or "election fraud" as illegal interference with the process of an election.²³ Thomson Reuters (2022) agrees with other authors such as Polyas (2022), Ballotpedia (2022) and the Heritage Foundation (2018). However, Thomson Reuters (2022) adds robocall campaigns,²⁴ ballot harvesting²⁵ and vote selling which is the flip side of vote buying.

The Farlex, Inc (2022) defines electoral fraud as 'misrepresentation or alteration of the true results of an election'²⁶ The Rutland County Council (2022) defines electoral fraud as '..... an illegal interference with the process of an election'²⁷

As mentioned above, the Ballotpedia (2022), Farlex, Inc (2022), Thomson Reuters (2022), and Polyas (2022) agree that electoral fraud has a lot to do with the illegal interference with the process of an election that leads to an unintended outcome. On the other hand, Ward (1949) took the extensional route by giving examples on how the crime of electoral fraud is committed such as "...the giving and receiving of bribes whether money, employment, or anything else, the real or threatened use of violence, treating, personation and in some cases payment for the hauling of voters to the polls".²⁸

3. FORMS OF ELECTORAL CORRUPTION

The definition of electoral corruption should be differentiated from its forms. These forms try show how corruption manifests itself.

The Heritage Foundation (2018) and the Brennan Center (2017) give several types or forms of electoral fraud and these include: ballot stuffing²⁹, votes cast in the names of

¹⁹ Where ballot papers are formulated to lead voters into voting for a particular choice or candidate. This is an aspect of every election that election managers have to watch out for and while not always illegal, leading ballot papers can draw harsh criticisms for undermining the principles of democracy.

²⁰ Where ballot papers denoting a particular choice are "stuffed" into the ballot box in large quantities to swing the result in a particular direction.

²¹ Where ballots for a particular candidate are destroyed or miscounted. Similarly, some voting computers have been shown to be open to election fraud, by changing their counting mechanisms.

²² Prevalent in countries with high-level corruption, election officials announce the result for a particular candidate or decision, regardless of what the electorate actually voted for.

²³ Thomson Reuters (2022) What Is Electoral and Voter Fraud? [online] Available at <https://www.findlaw.com/voting/how-u-s--elections-work/what-is-electoral-and-voter-fraud-.html> [Accessed on 7 February 2022].

²⁴ Robocall campaigns spreading misinformation about election dates, polling locations, or other election-related information in order to prevent some voters from voting

²⁵ Ballot harvesting: when a person or agency or campaign workers collect absentee or mail-in ballots to submit them (which provides an opportunity to change the vote or fail to submit the ballot for counting)

²⁶ The Farlex, Inc (2022) Election Fraud [online] Available at <https://www.thefreedictionary.com/Electoral+fraud> [Accessed on 7 February 2022].

²⁷ Rutland County Council (2022) Electoral Fraud. [online] Available at <https://www.rutland.gov.uk/my-council/electoral-registration-and-elections/registering-to-vote/electoral-fraud/> [Accessed on 7 February 2022].

²⁸Ward, N. (1949). Electoral Corruption and Controverted Elections. The Canadian Journal of Economics and Political Science / Revue Canadienne D'Economique Et De Science Politique, 15(1), 74-86. doi:10.2307/137956.

²⁹ Casting illegal votes or submitting more than one ballot per voter.

deceased people,³⁰ felon vote fraud,³¹ voter suppression,³² voter registration fraud,³³ voter impersonation,³⁴ vote-buying,³⁵ fraud by election officials³⁶ and absentee ballot vote fraud.³⁷ (The Heritage Foundation 2018,³⁸ the Brennan Center 2017³⁹)

On the menu of other forms of electoral fraud include voter caging and purging. The Ballotpedia (2022) explains that voter caging is the practice of sending mail to registered voters and challenging their eligibility to vote if the mail is returned as undeliverable whilst voter purging is the practice of removing names from the voter rolls, or the list of registered voters.⁴⁰

Polyas (2022) adds other forms of electoral corruption such as misuse of proxy voting,⁴¹ leading ballot papers (or confusing ballot papers),⁴² ballot stuffing,⁴³ miscounting or destruction of votes & tampering with recording equipment⁴⁴ and artificial results⁴⁵

In representative democracies, gerrymandering is another common form of electoral corruption in which electoral constituency boundaries are altered with the intention of creating undue advantage for a party, group, or socio-economic class within the constituency over another.⁴⁶ This malpractice is committed through "cracking" and "packing". Cracking is achieved by diluting the voting power of the opposing supporters whilst and "packing" concentrates the opposing party's voting power in one area to reduce their voting power in other areas.⁴⁷

³⁰ The name of a deceased person remains on a state's official list of registered voters and a living person fraudulently casts a ballot in that name.

³¹ The casting of a ballot by a person [convicted of a felony](#) who is not eligible to vote as a result of the conviction. Voting rights for convicted felons vary by state.

³² A variety of tactics aimed at lowering or suppressing the number of voters who might otherwise vote in a particular election.

³³ Filling out and submitting a voter registration card for a fictional person, or filling out a voter registration card with the name of a real person but without that person's consent and forging his or her signature on the card.

³⁴ A person claims to be someone else when casting a vote.

³⁵ Agreements between voters and others to buy and sell votes, such as a candidate paying voters to vote for him or her.

³⁶ Manipulation of ballots by officials administering the election, such as tossing out ballots or casting ballots in voters' names.

³⁷ A person attempts to fill out and turn in an absentee ballot containing false information. For example, this can occur when a person attempts to fill out and turn in an absentee ballot with the name of a false or non-existent voter. The term can extend to manipulation, deception, or intimidation of absentee voters.

³⁸ [The Heritage Foundation, "Voter Fraud Exists – Even Though Many in the Media Claim It Doesn't," October 29, 2018](#)

³⁹ [The Brennan Center, "Resources on Voter Fraud Claims," June 26, 2017](#)

⁴⁰ The Ballotpedia (2022) Voter caging and purging. [online] Available at https://ballotpedia.org/Voter_caging_and_purging [Accessed on 7 February 2022].

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⁴⁵ Prevalent in countries with high-level corruption, election officials announce the result for a particular candidate or decision, regardless of what the electorate actually voted for.

⁴⁶ Wikipedia Foundations, Inc (2022) Gerrymandering. [online] Available at <https://en.wikipedia.org/wiki/Gerrymandering> [Accessed on 7 February 2022].

⁴⁷ Ibid

4. CONCLUSION AND RECOMMENDED DEFINITION

Although differences of opinion still exist there appears to be some agreement that electoral corruption can be defined as the manipulation or interference with the rules, voters, and the voting processes.⁴⁸

In simpler terms, electoral corruption is understood as any act be it legal or illegal that interferes with the voting process with the ultimate aim of meddling with the electoral outcome to give advantages to one political player over others. More to the point, it means any form of interference with the electoral process, which gives an advantage to one party over another.

Before giving an all-encompassing definition of electoral corruption, it is important to underscore the fact that electoral corruption can take place around the entire electoral cycle that includes: the pre-election, the election as well as the post-election periods.⁴⁹ However, Chaumba (2022) cautioned that some forms of electoral corruption take place outside the electoral cycle yet they have an effect on electoral outcomes. For instance, in some countries such as Zimbabwe, there is evidence that some opposition political parties have been denied access to the public media and meeting in public.⁵⁰ In addition, Chaumba (2022) and Matendere (2022)⁵¹ submit that agents of electoral corruption are not only confined to governments, security agents and political parties but both state and non-state actors are involved.⁵² In addition, countries such as Zimbabwe allow independent candidates who do not necessarily have political parties to participate in elections. That being the case, the definition of electoral corruption should include all these parties as the perpetrators of the crime.⁵³

Shumba adds that delimitation⁵⁴ of constituency boundaries is legal and provided for under sections 160 and 161 of the Constitution of Zimbabwe and hence this practice should not be perceived as illegal because of the rampantness of gerrymandering cases that affect the outcome of elections. The proposed definition should take note of such cases.⁵⁵

Chihya (2022) submits that electoral corruption should be described as any interference within the electoral process calculated to favour one political player over another.⁵⁶

⁴⁸ Birch, S (2011) Electoral Corruption. [online] Available at <http://repository.essex.ac.uk> [Accessed on 7 February 2022] p-2.

⁴⁹ ZEC (2022) A SIMPLIFIED STEP-BY-STEP GUIDE TO ZIMBABWE'S ELECTORAL PROCESSES [online] Available at http://archive.kubatana.net/docs/elec/simplified_guide_zimbabwe_electoral_1307.pdf [Accessed on 7 February 2022].

⁵⁰ Interview with Allan Chaumba on 10 February 2022.

⁵¹ Interview with Sandra Matendere (nee Maricho) on 10 February 2022.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Delimitation is the process of dividing the country into constituencies and wards for the purposes of elections of persons to constituency seats in the National Assembly and of councillors to local authorities. The process is carried out in terms of sections 160 and 161 of the new Constitution (<https://www.zec.org.zw/pages/delimitation>).

⁵⁵ Interview with Adv. Gabriel Shumba on 10 February 2022.

⁵⁶ Interview with Anthony Chihya on 10 February 2022.

In view of the above, it is proposed that Electoral Corruption be defined as **the manipulation, abuse or interference with electoral management processes, legal and policy frameworks, voters and their voting rights, electoral outcomes and other related activities before, during and after the elections by state and non-state actors to give advantages to one political player over others.**

The definition is significant because of the following:

- It separates electoral corruption from its common forms or its manifestations as opposed to definitions reviewed above;
- It recognises the fact that electoral corruption is perpetrated by both state and non-state actors;
- It is not confined only to activities around the electoral cycle but encompasses other activities outside it that affects the electoral outcomes;
- It notes that there are some activities that are legal such as delimitation yet they can be abused to favour one political player over others;

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